

PTO/ES/51/PCT (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First named Inventor: Vincent SEBILEAU

U.S. Application No.: 09/719464
(if known)

International (PCT) Application Number: FR 99/01246

Filed: 5/27/99

Title: UTENSIL FOR OPENING CONTAINERS WITH SCREWED LIDS

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

28 DEC 2001

Legal Staff
International Division

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(n).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proper reply;
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ small entity - fee \$ 55 (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ other than small entity - fee \$ _____ (37 CFR 1.17(l))

2. Proper Reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of PETITION TO REVIVE (identify the type of reply):

- ☐ was previously filed on _____
- ☒ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are receiving for this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. 01 FC:215 55.00 UP

PTO/SB/61/PCT (10-00)

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE
U.S. ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

☒ Since this international application has an international filing date on or after June 8, 1995,
no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37CFR 1.20(d)) of \$ _____ for a small entity
or \$ _____ for other than a small entity) disclaiming the required period of time is
enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the 35 U.S.C. 371(c)
requirements (or a continuing US application) from their due date until the filing of a grantable petition
37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not
be included on this form. Provide credit card information and authorization on PTO-2038.**

1st September 2001
Date



Signature

Telephone
Number: (33) 06-08-16-22-75

Vincent SEBILEAU

Typed or printed name

4 avenue de Triel 78540 VERNOUILLET
FRANCE
Address

Enclosures: ☒ Additional sheets containing statements establishing unavoidable delay

☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ _____

PTO/SS/51/PCT (10-00)

Approved for use through 10/31/2001, OMB 0551-0001

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

1st September 2001

Date



Signature

Vincent SEBILEAU

Typed or printed name

(In the space provided below, please explain in detail why the 35 U.S.C. 371(c) elements (or continuing US application) were not timely filed.)

I sent the patent-filing documents via the French post office's special delivery service Chronopost International on Nov. 20, 2000, eight days before the deadline. Chronopost guaranteed delivery in 3 days at the latest, but failed to deliver the envelope, and returned it to me on Dec. 4, 2000, after the deadline.

Chronopost refunded my express delivery fee of 234.50 francs with a check accompanied by a letter expressing "all our regrets for this inconvenience". That refund and letter amount to acknowledging that the fault was Chronopost's (and not mine)'. I had no way of avoiding or even of knowing of this delivery failure until too late.

PATENTS ONLY

Rec'd PCT/PTO 17 SEP 2001

Tab settings 0 0 0 ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Vincent Sebileau

Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

2. Name and address of receiving party(ies)

Name: USPTO

Internal Address: Box PCT

Street Address:

WASHINGTON DC 20231 USA

City: State: ZIP:

Additional name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance:

☐ Assignment☐ Merger☐ Security Agreement☐ Change of Name☒ Other PCT /petition to revive

Execution Date: 1st September 2001

4. Application number(s) or patent number(s): 09/719464

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Vincent SEBILEAU

Internal Address:

Street Address: 4 avenue de Triel

City: VERNONUILLET State: FRANCE ZIP: 78540

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 55

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true the original document.

SEBILEAU Vincent

Name of Person Signing

Signature

1st September 2001

Date

12

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:

Vincent SEBILEAU
Inventeur déposant
4, avenue de Triel
F-78540 VERNOUILLET
FRANCE
Tel 06 08 16 22 75 Fax 01 30 45 03 61

PCT application Number FR99 / 01246

Patent Number 09/719464

PETITION to revive PATENT No. 09/719 464 PCT
after exceeding the time limit because of an unavoidable
delay :

- The time limit, of 30 months after the priority date of the French patent, expired on Nov. 28, 2000.
- I mailed the patent document on Nov. 20, 2000, using the French post office's special delivery service CHRONOPOST INTERNATIONAL :
 - express delivery number GN 749 994 615 FR CLE 10 67
 - Please find enclosed a photocopy of the mailing invoice.
- Chronopost International, guaranteed delivery (as does DHL) of that document in 3 days. It should have been delivered by Nov. 23, 2000 at the latest.
- Chronopost International failed to advise me that the document was not delivered, although Chronopost had my telephone number (see the mailing invoice).

On Dec. 4, 2000, I was dumbfounded to find my document returned to me in my mail box !
- I telephoned to Chronopost International and got the following explanation :
 - Their express deliveries to the United States are handled by a sub-contractor, TNT Express Worldwide. TNT encountered some delivery problem, for which Chronopost International does not know the reason.
 - As a result of that phone call, Chronopost International sent me a letter acknowledging that my express delivery document was held back, adding that they regretted the inconvenience (!), and that they were reimbursing me the delivery fee.

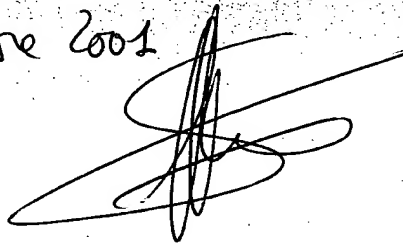
- Enclosed is a color photocopy of that letter, which proves that the fault was Chronopost's. Alas, the Nov. 28 deadline was already past.
- I had remailed the document on Dec. 5, 2000, and it finally reached the USPTO on Dec. 8 (3 days later).
Enclosed is a color photocopy of that mailing invoice.
- The failure of the first express delivery caused a delay that I could not avoid, since I was uninformed of it until Dec. 4.
- Therefore I ask you to please consider my request to revive my PCT patent application.

I thank you in advance for your consideration of this petition.

Sincerely,

Vincent Sebilleau

le 1^{er} Septembre 2001



COPIE

09/719464

Pour toute information sur votre envoi,
 Tél. 3615 ou 3617 code CHRONOPOST 2,23 F TTC la minute au 01/12/95
 N° VERT 0 5 4 3 2 1 0 0.

CHRONOPOST SA - 14 Bd des Frères Voisin - 92795 Issy-les-Moulineaux Cedex 9 - France
 LCT 001447 - Société Anonyme au capital de 134 386 900 F - RCS NANTERRE B 383 960 135
 agissant pour le compte de G.D. Express Worldwide (FRANCE) S.A.
 3 bis avenue Evariste Galois - 93592 - Le Blanc Mesnil cedex

votre numéro d'envoi est :

GN 749 994 615 FR

CLE 10 67

CHRONOPOST
 LES MAÎTRES DU TEMPS

expéditeur	
nom	SEBASTIEN VINCE
adresse	7 AVENUE DE TRIEL
code postal	VERNOUILLET
ville	VERNOUILLET
pays	FRANCE
personne à contacter	V. Seblan
tél.	06-08-16-22-75

transport payé 250g	destinataire
	nom
	adresse
	code postal
	ville
	Commission of USPTO
	Box assignments
	WASHINGTON DC
	USA
	expéditeur

SkyPak enveloppe Amérique du nord

L'expéditeur accepte les conditions générales inscrites au verso ainsi que les limitations de responsabilité et clause de compétence qui y figurent. Il certifie que l'envoi ne contient que des documents sans valeur commerciale et que les mentions portées ci-dessus sont exactes et complètes. Bijoux, argent liquide, titres au porteur ne sont pas acceptés.

nom & signature de l'expéditeur	
DATE DE L'ENVOI	
CONTENU DE L'ENVOI	
documents sans valeur commerciale	
jour mois année	

SkyPak
 enveloppe
 Amérique
 du Nord

sky

pak

20 November 2000

COPIE



FACTURE
 CHRONOPOST - 41, rue Camille-Desmoulins - 92442-ISSY-LES-MOULINEAUX CEDEX
 Société Anonyme au capital de 134 386 900 FF - Tél. : (1) 46 48 10 00
 RCS NANTERRE B 383 960 135 - Code C.E.E. (T.V.A.) FR 92 383 960 135
 Agissant pour le compte de GD Express Worldwide France S.A.
 44, rue Maurice de Broglie - 93800 Aubay sous Bois
 POUR TOUTE INFORMATION SUR VOTRE ENVOI :
 MINITEL : 3615 OU 3617 CHRONOPOST
 VOTRE NUMÉRO D'ENVOI EST :
 GD 719 104 823 FR

EXPÉDITEUR	Numéro de compte	N° de sous-compte	Références expéditeur
Nom: SERIE LEAU VINCENT			
Adresse: 45 AVENUE GABRIELLE ELSTYLO BILLE SVP			
Code postal: 78540	Ville: VERNOUILLET	Personne à contacter: Idem	N° de Tél: 06 08 16 22 75
Pays: FRANCE			

DESTINATAIRE	
Nom: Assistant Commissioner of Patents USPTO	
Adresse: BOX PETERBIREN CAPITALS SVP	
Ville: WASHINGTON DC	Code postal: 20231
Code pays: USA	N° de TVA du destinataire:
Personne à contacter:	N° de Tél:

<input checked="" type="checkbox"/> Documents	<input type="checkbox"/> Marchandises (factures obligatoires, sauf pour l'Union Européenne)	DATE
DESCRIPTION PRÉCISE DU CONTENU DE L'ENVOI Indiquer le n° de nomenclature douanière si disponible		Nombre de colis: 1
MARCHANDISES DIVERSES ET ARGENTILLOUS SONT INTERDITS		POIDS: 9 kg
Dimensions du colis (L x l x h en cm)		Contrôle opérations

Valeur déclarée pour la douane (non utilisable à des fins de garantie)	Souhaitez-vous souscrire une assurance ? <input type="checkbox"/> oui <input checked="" type="checkbox"/> non	L'expéditeur accepte les conditions générales énoncées au verso ainsi que les limitations de responsabilité et clause de compétence qui y figurent. Il certifie que l'envoi ne contient pas d'articles prohibés et que les mentions portées ci-dessus sont exactes et complètes.
Valeur assurée (FF) 0.00	NOM & SIGNATURE DE L'EXPÉDITEUR Vincent SERIE LEAU	

Poids constaté: 0.440 grammes	Poste comptable: 78551	MONTANT TRANSPORT: 321.70 FF
Temps à l'avis	<input type="checkbox"/> Groupage tarifaire	ENLEVEMENT SUR APPEL
05/12/00	<input type="checkbox"/> 1 = collecte - 2 = dépôt	PRIME ASSURANCE: 0.00 FF
	MODE DE PAIEMENT 1 = CHRONOPOST 2 = LA POSTE 3 = BONS PREPAYES 4 = EN COMPTE	TOTAL H.T.: 321.70 FF
		T.V.A.: 0.00 FF
		TOTAL T.T.C. (FF): 321.70 FF

CG 395 - DASILE/53 V5

2 - EXPÉDITEUR

Timbre payé sur état

↑ 5 December 2000

09 / 719 464

Translation of document Z

CHRONOPOST
INTERNATIONAL

to : Mr. SEBILEAU VINCENT

12/4/2000

Subject: Your Chronopost express delivery No.
GN749994615FR to be sent to WASHINGTON DC/USA

Dear sir,

Our telephone conversation of 12/4/2000 drew our attention to the way the Chronopost delivery (named above as the subject of this letter) was handled.

Your express delivery mailed on Nov. 20, 2000 was returned to you.

We wish to assure you of all our regrets for this inconvenience, and we beg you to find enclosed a check for 234.50 francs (i.e. 35.75 euros) tax included, including 0 francs (i.e. 0 euros) of value-added tax corresponding to the amount of the transport costs.

We beg you to be assured of our devoted service.

Denis REMUSAT
In Charge of Customer Service

CHRONOPOST INTERNATIONAL®

COPIE

SERVICE CLIENTS

ISSY LES MOULINEAUX CEDEX 9
Téléphone 0.825.801.801 (0.98 FTTC/MN)
Télécopie 0.825.801.802 (0.98 FTTC/MN)
minitel : 3615 / 3617 Chronopost (2,21 FTTC/MN)
internet : <http://www.chronopost.fr>

Monsieur SEBILEAU VINCENT
4 AVENUE DE TRIEL
78540 VERNUILLET

39/01-037

V/Réf.:
N/Réf.: 6778 /20001204NIO098

Issy-les-Moulineaux, le 04/12/2000.

Objet: Votre envoi Chronopost n° GN749994615FR à destination de WASHINGTON DC /USA.

Monsieur,

Notre conversation téléphonique du 04/12/2000 a attiré notre attention sur les conditions de traitement de l'envoi Chronopost cité en objet.

Votre envoi du 20/11/2000 vous a été retourné.

Nous tenons à vous présenter tous nos regrets pour ce désagrément et vous prions de trouver ci-joint un chèque de 234.50 francs (soit 35.75 euros) TTC, dont 0.00 francs (soit 0.00 euros) de TVA correspondant au montant des frais de transport.

Nous vous prions de croire, Monsieur, à notre total dévouement.


Denis REMUSAT
Responsable Service Clients

CHRONOPOST SA - 14, Bd des Frères Voisin - 92795 Issy-les-Moulineaux cedex 9 - France - Téléphone : + 33 (0) 1 46 48 10 00 - Télécopie : + 33 (0) 1 46 48 10 50
Service Clients 0803 801 801* - Internet : www.chronopost.com
Société Anonyme au capital de 268 773 800 F - 383 960 135 RCS Nanterre * 0,99 F TTC (0,15 €) la minute au 01/03/2000

SOCIETE GENERALE

PAYEZ CONTRE CE CHÈQUE NON ENDOSSABLE sauf au profit d'une banque, d'une caisse d'épargne ou d'un établissement assimilé

DEUX CENT TRENTE QUATRE FRANCS ET CINQUANTE CENTIMES DEUX CENT

TRENTE QUATRE FRANCS ET CINQUANTE CENTIMES DEUX CENT TRENTE

à SEBILEAU VINCENT SEBILEAU VINCENT SEBILEAU VINCENT SEBILEAU

B.P.F.

A rédiger exclusivement
en francs français

234.50

SEBILEAU VINCENT
05/12/2000

Payable en France

PARIS RIVE GAUCHE 03640
ENTREPRISE 25^e étage
33, Av. du Maine
75015 PARIS
Tél. : 01 42 79 59 00
Compensable à PARIS

ISSY-LES-MOULINEAUX

03640 0002 000 8045 07
CHRONOPOST SA
CLIENTS/ILE DE FRANCE
14, Boulevard des Frères Voisin
95795 ISSY-LES-MOULINEAUX CEDEX

▼ CHÈQUE N° ▼

0501146 3640000030014 3640200080450

CHÈQUE A DÉTACHER

< 15 >